

BILL NO. S-71-02-12

SPECIAL ORDINANCE NO. S- 646-71

AN ORDINANCE authorizing the sale of certain real estate on Schwartz Road owned by the City of Fort Wayne, Indiana.

WHEREAS, the City of Fort Wayne is the owner of certain real estate in Allen County, Indiana, said real estate being more particularly described as follows:

Part of the North half of Section 22, Township 32 North, Range 13 East in Allen County, State of Indiana, described as follows to-wit:

Go East 247.0 feet from the Center of Section 22, Township 32 North, Range 13 East, Allen County, Indiana, thence North 28 degrees 59 minutes West 75.90 feet to the point of beginning, thence North 40 degrees 03 minutes 40 seconds West 297.95 feet, thence North 12 degrees 24 minutes 40 seconds East 86.35 feet, thence South 28 degrees 59 minutes West 352.20 feet to the place of beginning, containing 0.234 acres with easements rights over the Westerly 25 feet for the Schwartz Road;

WHEREAS, said real estate is presently under the jurisdiction of Civil City of Fort Wayne and Board of Public Works, and was acquired in connection with the construction of Cedarville Reservoir, and now has no further use to the City; and

WHEREAS, the Board of Public Works, by resolution under date of February 11, 1971, has determined that it will be to the best interests of the City of Fort Wayne to offer said real estate for sale; the sale price thereof to be a sum in cash of not less than the full appraised value thereof as determined by appraisers hereinbelow provided; said appraisers appointed in the manner required by law prior to the sale of municipal lands or interests in such lands, and provided further, that such sale be made for a sum not less than such appraised value.

NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the Mayor of the City of Fort Wayne be, and he hereby is, authorized and directed in the name of, for and on behalf of said City to sell, grant and convey the real estate described above in fee simple, the sale price thereof to be a sum in cash not less than the full appraised value thereof as determined by the appraisers hereinbelow provided.

SECTION 2. That upon full payment of the purchase price of said real estate to said City, the said Mayor, in the name of and for and on behalf of said City, shall be, and he hereby is, authorized and directed to execute and deliver an instrument granting and conveying to the highest bidder for the purchase of said above described real estate in fee simple, the signature of the Mayor on such instrument shall be attested by the City Clerk of the City of Fort Wayne and accompanied by the seal of the City.

SECTION 3. That the Judge of the Allen Circuit Court be, and he is hereby requested to appoint three (3) disinterested freeholders of the City of Fort Wayne to appraise and determine the value of the above described real estate with a view to the sale of the same, and prior to such appraisalment, the Board of Public Works shall advise said appraisers of the terms and conditions to be included in the instrument of conveyance which said Board considers necessary or advisable in the best interest of the said City.

SECTION 4. That this ordinance shall be and constitute sufficient authority for the Mayor, the Board of Public Works and the City Clerk of the City of Fort Wayne, Indiana, to effect the sale, grant and conveyance of said above described real estate in fee simple, and to do all things incidental thereto or necessary therefor.

SECTION 5. This Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

  
\_\_\_\_\_  
Councilman

APPROVED AS TO FORM  
AND LEGALITY

  
\_\_\_\_\_  
CITY ATTORNEY

Read the first time in full and on motion by Nuckols seconded by Geake and duly adopted, read the second time by title and referred to the (Committee on) Public Works (and to the City Plan Commission for recommendation) (and Public Hearing to be held after due legal notice, at the Council Chambers, City Hall, Fort Wayne, Indiana, on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_ o'clock P.M., E.S.T.

Date: 2-23-71 Thad E. Bonachoon  
City Clerk

Read the third time in full and on motion by Nuckols seconded by Geake and duly adopted, placed on its passage.

Passed (~~1057~~) by the following vote:

	AYES <u>8</u>	NAYS <u>0</u>	ABSTAINED _____	ABSENT <u>1</u> to-wit:
Adams	_____	_____	_____	<u>✓</u>
Dunifon	<u>✓</u>	_____	_____	_____
Fay	<u>✓</u>	_____	_____	_____
Geake	<u>✓</u>	_____	_____	_____
Nuckols	<u>✓</u>	_____	_____	_____
Robinson	<u>✓</u>	_____	_____	_____
Rousseau	<u>✓</u>	_____	_____	_____
Steigerwald	<u>✓</u>	_____	_____	_____
Tipton	<u>✓</u>	_____	_____	_____

Date 3-9-71 Thad E. Bonachoon  
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (~~Zoning Map~~)(General)(~~Annexation~~)(Special)(~~Appropriation~~) Ordinance (~~Resolution~~) No. 546-71

on the 9<sup>th</sup> day of March, 19 71.

ATTEST: (SEAL)

Thad E. Bonachoon Roll Stewart  
City Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 10<sup>th</sup> day of March, 19 71 at the hour of 8:30 o'clock A.M.,E.S.T.  
Thad E. Bonachoon  
City Clerk

Approved and signed by me this 10<sup>th</sup> day of March, 19 71, at the hour of 10:30 o'clock A.M.,E.S.T.

Harold S. Zeis  
Mayor

Bill No. S-71-02-12

REPORT OF THE COMMITTEE ON PUBLIC WORKS

We, your Committee on Public Works to whom was referred an Ordinance  
authorizing the sale of certain real estate on Schwartz Road owned by the  
City of Fort Wayne, Indiana,

have had said Ordinance under consideration and beg leave to report back to the Common  
Council that said Ordinance do PASS.

JOHN NUCKOLS, Chairman

CELIA ANN FAY, Vice-Chairman

JOHN H. ROBINSON

EDWIN J. ROUSSEAU

WILLIAM K. GEAKE

*John Nuckols*  
*Celia Ann Fay*  
*John H. Robinson*  
*Edwin J. Rousseau*  
*W. K. Geake*

CONCURRED IN

DATE 3-9-71 FUAD G. BONAHOOM, CITY CLERK